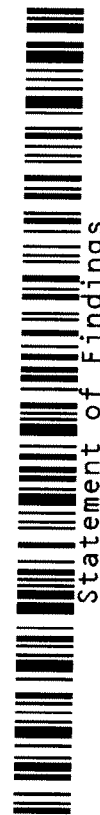


# Statement of Findings

Number: \_\_\_\_\_



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CESAJ-RD-NC (1145b)  
SAJ-2007-2914 (IP-AWP)

**AUG 15 2008**

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and  
Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation, District 2  
Attn: Van Humphreys  
1109 South Marion Ave.  
Lake City, Florida 32025-5874

2. Location, Project Description, Existing Conditions: The project is located along State Road 16 between County Road 16A and International Golf Parkway, in Section 38, Township 06 South, Range 28 East, St. Johns County, Florida. The project as proposed will impact wetlands hydrologically connected to the St. Johns River, specifically Mill Creek.

The applicant proposes to impact 1.8 acres of waters of the United States (1.09 acres of wetlands and 0.71 acres of surface waters) for the widening of SR-16. Work will include widening from a two-lane roadway to a four-lane divided roadway, providing five foot concrete sidewalks, as well as providing stormwater treatment in the roadside ditch system.

The request for widening is the result of a development order agreed to in a Development of Regional Impact (DRI) authorized in 1985.

3. Project Purpose: Basic: Widening of the existing roadway.

Overall: Widening of the existing SR-16 roadway from two-lanes to four-lanes between International Golf Parkway and CR-16A.

4. Scope of Analysis: The scope of analysis is limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

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a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-109-110931-1 was issued on 12 August 2008.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a SJRWMD permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

7. Date of Public Notice and Summary of Comments

a. The application was received on 7 May 2007. The application was considered complete on 9 July 2007. A public notice was issued on 7 August 2007, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): By letter dated 4 September 2007, the NMFS concluded that with mitigation completed within the same drainage basin as the project they would have no objections to the issuance of a permit.

(4) State Historic Preservation Officer (SHPO): No response was received from SHPO. Issuance of a SJRWMD permit certifies the project will not have adverse impacts to historic properties or properties eligible for listing in the Federal Register of Historic Places. Further, SHPO's concerns will be addressed by the placement of a condition in any Department of the Army permit advising the Permittee how to proceed should unexpected cultural resources be encountered.

(5) Individuals: Andrea Kalendowicz called to express concerns about potential impacts to wildlife and wanted to know the limits of impacts.

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(6) No comments were received from State or Local agencies, organizations, or any other interested party.

b. Applicant's response to the comments: The comments were not coordinated with the applicant since no adverse comments were received.

#### 8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The no action alternative would not allow for project completion. SR 16, at this location, currently consists of a two-lane roadway with the associated stormwater management systems. Alternative alignments were not considered due to the increased impacts and cost associated with constructing a new roadway. Following the existing alignment does not require the acquisition of new right-of-way or takings which would result in increased wetland impacts and disruptions to residences and businesses.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible while allowing the applicant to achieve the project purpose. The proposed typical design speed was initially 65 miles per hour (MPH), but after negotiations with Florida Department of Transportation (FDOT) the applicant reduced the typical design to a speed of 45 MPH. The reduction in design speed eliminates the need for additional right-of-way and wetland impacts. The roadway has been designed to meet current state and federal design standards. No further minimization has been requested given the limited amount of wetland impacts proposed and the inclusion of compensatory mitigation.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): This segment of the proposed improvements to SR 16 are being funded by development interests in the vicinity of the project as a result of a development order associated with the approval of a DRI. Accordingly, this project is not included in the FDOT current work program and is not included in the impacts to be mitigated in accordance with section 373.4137, F.S.

To mitigate the proposed direct and secondary impacts, the applicant proposes to preserve 22.19 acres of a 54.2-acre tract (Tract B) located on the west side of Six Mile Creek, in St.

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Johns County. Tract B is contiguous with approximately 1,656 acres of existing and committed mitigation lands associated with the St Johns DRI. The applicant proposes to grant a conservation easement in favor of the SJRWMD to include 20.14 acres of wetlands and 2.05 acres of uplands. The applicant proposes a management plan to control exotic and other nuisance vegetation.

The applicant has completed a functional assessment and determined the proposed mitigation will fully off-set all functions and values which would be lost as a result of this project.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits include employment opportunities and a potential increase in the local tax base. Additional benefits include increased public safety, increased carrying capacity of the roadway and the more effective

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movement of vehicular traffic. Private benefits include increased access to private businesses.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed work where there are unresolved conflicts as to resource use: There are no unresolved conflicts regarding resource use.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: Detrimental impacts are expected to be minimal although they would be permanent in the construction area. The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. The Corps determined the proposed work "may affect, but is not likely to adversely affect" the wood stork with the inclusion of wetland compensation for the loss of wetland habitat and "may affect, but is not likely to adversely affect" the eastern indigo snake with the inclusion of the Eastern Indigo Snake Protection Measures in any permit issued. USFWS provided concurrence with this determination via letter dated 23 August 2007.

g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. The NMFS responded to the public notice via letter dated 4 September 2007. NMFS stated the project would impact wetlands which contribute plant material and other usable nutrients into aquatic food webs that include recreationally, commercially, and ecologically important species within downstream estuaries. The NMFS determined that with mitigation provided within the same drainage basin the project will not adversely affect EFH. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

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h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: Cumulative and secondary impacts would not be unacceptable. Filling of wetlands at this project site would not set precedent for additional filling activities in waters of the United States to occur. The applicant has completed a secondary impact assessment to on-site wetlands and proposes compensatory mitigation to fully off-set the impacts. Compensatory mitigation within the same drainage basin ensures cumulative impacts will not occur. The applicant will follow Best Management Practice during construction to further reduce potential secondary and cumulative impacts.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. No adverse comments were received. The applicant will provide mitigation within the same drainage basin as the impacts therefore NMFS comments have been addressed.

The Corps provided Ms. Kalendowicz with the limits of construction. The Corps has consulted with USFWS and concluded the project will not adversely affect federally listed species.

#### 11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

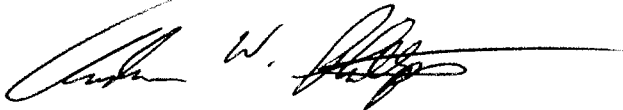
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c. Public interest determination: I find that issuance of  
a Department of the Army permit is not contrary to the public  
interest.

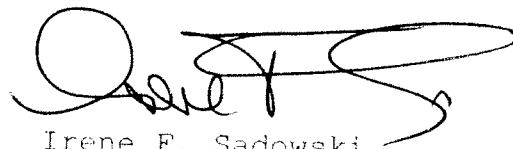
d. Section 176(c) of the Clean Air Act General Conformity  
Rule Review: The proposed permit action has been analyzed for  
conformity applicability pursuant to regulations implementing  
Section 176(c) of the Clean Air Act. It has been determined that  
the activities proposed under this permit will not exceed de  
minimis levels of direct emissions of a criteria pollutant or its  
precursors and are exempted by 40 CFR Part 93.153. Any later  
indirect emissions are generally not within the Corps' continuing  
program responsibility and generally cannot be practicably  
controlled by the Corps. For these reasons a conformity  
determination is not required for this permit action.

PREPARED BY:



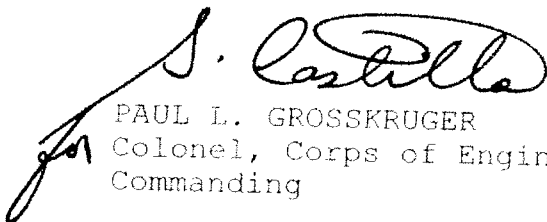
ANDREW W. PHILLIPS  
Project Manager

REVIEWED BY:



Irene F. Sadowski  
Chief, Cocoa Permits  
Section

APPROVED BY:



PAUL L. GROSSKRUGER  
Colonel, Corps of Engineers  
Commanding

CF:

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